

REMARKS

Entry of this Amendment in accordance with the provisions of 37 CFR § 1.114 is respectfully requested, noting that this Amendment is filed as a Submission with a Request for Continued Examination (RCE) on even date herewith.

This Amendment is in response to the final Office Action dated June 18, 2011.

By the present amendment, each of the independent claims 1, 4 and 5 has been amended to further clarify the invention, as will be discussed below.

Reconsideration and removal of the 35 USC §103 rejection of the independent claims 1, 5 and 10 and their dependent claims over the combination of Tanaka (JP 2002/215731) and Kluss (USP 6,463,419) is respectfully requested.

With regard to this, by the present amendment, each of the independent claims 1, 4 and 5 has been further amended to particularly emphasize that the demand information concerns demand of domestic treated water stored as ballast water and that the supply information concerns the supply of domestic treated water stored as said ballast water. Further, independent claim 1 has been amended to include limitations already found in each of independent claims 4 and 5 that the demand information and the supply information include information on water qualities. In addition, each independent claim has been amended to emphasize the dual purpose of the ballast tank achieved by the present invention, as will be discussed below.

Accordingly, it is now even further emphasized by the present claims that:

- 1) domestic treated water is transported as ballast water of a vessel in a ballast tank separate from a cargo carrying tank of the vessel;
- 2) the demand information concerns demand for the domestic treated water which is stored as said ballast water;

- 3) the supply information concerns the supply of domestic treated water stored as said ballast water; and
- 4) correspondingly, the matching indication indicates a result of matching the demand information and the supply information regarding the domestic treated water stored as said ballast water; and
- 5) whereby the ballast tank provides a dual purpose of holding ballast water and cargo comprised of the domestic treated water which serves as the ballast water.

As such, an underlying feature of the invention, which permeates the claims, is the fact that the present invention is directed to transporting and trading domestic treated water which also serves as the ballast water for a vessel. There is absolutely no suggestion whatsoever in any of the cited references, including the two primary references to Tanaka and Kluss, for doing this. It is respectfully submitted that if this was so obvious, some reference would have taught it before. However, there is simply no teaching of this at all in the cited prior art.

In the Office Action, on page 3, it is stated:

"furthermore, it would have been obvious to one of ordinary skill in the art to modify the market for the demand and supply of recycled water of Tanaka with the ship ballast and cargo contract information in Kluss because "it would be advantageous to provide a forum wherein shipping information is directly available."

It is respectfully submitted that there is nothing in the statement in Kluss which would lead one to consider using a ship ballast for transporting and trading domestic treated water which is shipped as ballast water.

It is also stated on page 3 of the Office Action that:

"Applicant does not claim but argues that the claimed limitations are novel because the means defined in claim 1 'permits a useful purpose for the ballast tank other than the mere providing of ballast water'. Having more than one item[s] able to be stored in a ballast tank is not a novelty. To be considered, the item quoted above would have to be positively claimed and it was not."

In response, Applicants have now amended each independent claim to clearly define the dual purpose of the ballast tank, further, Applicants respectfully submit that it is very clearly claimed that the domestic treated water is transported as ballast water of a vessel in at least one ballast tank, as set forth in the preamble of each of the independent claims. As such, it is now clearly claimed that this is a useful purpose for the ballast tank other than the mere providing of ballast water since the ballast water is also the domestic treated water. Further, whether or not it is true that "having more than one item able to be stored in a ballast tank is not a novelty", it is noted that, first, there does not appear to be any reference which suggests actually storing more than one item in a ballast tank, and, secondly, there is absolutely no suggestion in any of the prior art for storing domestic treated water in a ballast tank to serve the dual purpose of being both ballast water and cargo.

Accordingly, for the reasons set forth above, reconsideration and allowance of each of the amended independent claims 1, 4 and 5 and their respective dependent claims over the rejections based on the primary references to Tanaka and Kluss is respectfully requested. With regard to this, it is respectfully submitted that nothing in the secondary reference to Kasparian, used in rejecting claims 7, 8 and 11-14, makes up for the above-noted shortcomings of Tanaka and Kluss in meeting the limitations of the amended independent claims or their dependent claims.

In addition, particular consideration of the features of the dependent claims is respectfully requested, noting that these features serve to define even further distinctions over the cited prior art based upon the combinations which they define.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 513.46526X00), and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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